

V-583

SHANGHAI MUNICIPAL POLICE.

REPORT

U. 583
30-9-44

Station Foreign Affairs Section File No. Date 27.9.1944.

SUBJECT: Further to letter of September 9th, 1944 regarding house case between Mrs METZLER and da MOTTA.

In compliance with instructions received from D.C.I. LIU Associate Officer in charge, Foreign Affairs HQ, the following persons were called to the Foreign Affairs HQ, in connection with the letter of September 9th, 1944, enclosed herewith, which letter was addressed by Mrs L. METZLER to the Officer in charge of Foreign Affairs, HQ. :-

- Sarah KUCHMAR, 30 years old, stateless of Russian origin (Temporarily she has no her R.C.) residing at 43A Great Western road.
- Alexander KOPELIOVITCH, 34 years old, U.S.S.R. citizen, residing in the same house (His R. C. No is 880 issued by the Hwa Sai station).

From the statement of the above mentioned persons it appears as follows: -

All facts exposed in Mrs L. METZLER's letter are correct. -

The case regarding ejection of Antonio Maria DA MOTTA was effectively brought before the local Portuguese Court. According to the decision of this Court DA MOTTA had to evacuate his premises in METZLER's house. Taking into consideration the fact that DA MOTTA's common law wife - Sarah KUCHMAR and her relatives - family KOPELIOVITCH are subjected to the jurisdiction of the Chinese Law, the above judgment of the Portuguese Court was presented for approbation to the Chinese Court. The latter fully approved the mentioned decision (see judgment enclosed herewith), but this judgment of the local Chinese Court was appealed by the defendants to the Chinese High Court. This appeal was made on September 19th, 1944, and apart from the appeal a separate complaint was made to the Foreign Ministry of the National Government in Nanking as regards decision of the Portuguese Court which decision, according to the defendant, is contrary to Temporary Laws of the Nanking Government. Meantime DA MOTTA, on July 24th, 1944, renounced his Portuguese Nationality and applied

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for Chinese naturalisation.

Taking into consideration a purely civil character of this case, Mrs METZLER was informed by the undersigned, that as regards ejection of the persons mentioned in her letter, she has to apply before the Executive Department of the Chinese Court, which Department is the sole qualified to order execution of the above judgment of the Chinese Court, if necessary.


D.S.W.A. Slobodchikoff.

Shanghai, 9th September 1944

S. Saito Esq.,
Officer in Charge Foreign Affairs Branch
Headquarters, Police Bureau, S.S. Municipality
Room No. 210, 135 Foochow Road.

Sir,

I take the liberty to bring to your attention the following and to request your kind assistance:

I, Mrs. L. P. Metzler, widow of the former Chairman of the Russian Emigrants Committee Mr. Charles Metzler, who was assassinated in 1940, had a pension de famille at 67 Route Vallon.

In November 1942 a Portuguese Antonio Maria da Motta rented a room in my house and moved into it with his family - a woman and two children. In March 1943, when I transferred my boarding house to 43A Great Western Road, Motta with family moved there too. He rented then a flat of 2 rooms and a bathroom, having agreed to pay for same including whole board a sum of Dol. 2,500 per month. The next month, i.e. on the 15th April, when he had to pay his rent for one month in advance, Motta told me that my board was unsatisfactory, that he is detaining Dol. 1000 for additional nutrition. I could not agree to these terms and gave him a two weeks' notice to vacate the premises occupied. He had not done it and I applied for assistance to the Portuguese Consul General. The latter had called Motta and ordered him to leave my house by the 1st of June 1943.

In view of the fact that Motta failed to keep his promise given to the Portuguese Consul and continued to live in my house, I, on advice of the Consul, handed this case to a Portuguese lawyer, Mr. Rangel (now deceased) in order to sue Motta in the Portuguese Court.

The case was won and the Portuguese Consular Court announced its judgment according to which Motta had to vacate his flat not later than on the 1st December 1943.

By that time Motta presented to the Consulate a fictive letter testifying that he, Motta, rented a room adjoining his flat, from a Swede, a doctor, who at that time was staying in my house. In fact he continued to live as before with his family in the premises which he had to vacate.

On the 31st December 1943 the above mentioned Swede

he was turned out from my house by the Secretary of the Swedish Consulate; and till about the 13th of January Motta continued to stay in my house, after which he had not appeared any more.

On the 17th January 1944, about 10 a.m., despite resistance offered by myself and my niece Miss Childkret, a Soviet citizen, Alexander Koroelovitch forcibly entered my house and moved into a room which, as it appeared later, Motta had rented to him (out of the flat originally occupied by Motta), and installed himself there with his family - a wife and 2 children, and a Chinese amah.

Immediately to the Avenue Daug Police station and on the following day, however, i.e. on the 18th January, the police officer who attended to this case, had "changed his mind", and Koroelovitch is up till now living in my house.

Motta himself, as mentioned before, is not staying in my house any more, having left there his concubine Sarah Muchmar with 2 children, who by the way are not registered at the Portuguese Consulate as Motta's children.

The rent for the flat in question is being paid in Motta's name into the deposit of the Chinese Court as from 15th December 1943; however I did not collect this money for six months.

Motta had lost also in the Chinese Court his suit in which he applied for recognition of his right to stay in my house without a lease, i.e. indefinitely.

Herewith I beg to enclose

- 1) Judgment of the Portuguese Court according to which Motta ought to vacate his flat in my house,
- 2) Judgment of the Chinese Court, confirming the above decision of the Portuguese Court and
- 3) a letter of the Portuguese Consul General certifying that neither Motta, nor his wife are staying in my house.

As a result of all the above the premises which had been let by me to Motta are now occupied by entirely unauthorised persons. Instead of handing over to me the keys of the premises Motta left there his concubine who has no right to it and a family, which entered my house by force, from which I also had never received any rent.

In view of the above I beg to apply to you with a request to free me from these people to whom I never let any premises in my house and whom I do not want to tolerate in my house.

For the last 3 months no one paid or deposited any rent for the above flat at all.

Yours respectfully

W. L. P. Metyler

tel 20287

CONSULADO GERAL DE PORTUGAL
SHANGHAI.

TRANSLATION

Jose Francisco Teixeira, Consul-Adjoint, in charge of the Consulate General and President of the Consular Court for Portugal in Shanghai.

I hereby certify that in this Consular Court there exists an action for ejectment under date of 4th October, 1943, in which the plaintiff is Lidia Metzler, Russian, widow, and the defendant is Antonio Maria da Motta, Portuguese, married, both residing in this city, and in that action, pages 13, overleaf and 14, there is the following judgment, the time limit for the appeal having expired:-

"Lidia Metzler, widow, Russian, residing in this city, instituted against Antonio Maria da Motta, Portuguese, married, also residing in this city, in Great Western Road, house No. 43-A, the present action for ejectment, on the following grounds; that she does the business of renting out rooms, having for this purpose a boarding-house in Great Western Road, house No. 43-A; that she rented to defendant two rooms and a bathroom, with board, for the price of \$2,500.- per mensem; that the defendant agreed to these terms, but that on the 15th April last, he proposed to pay only \$2,500.-, and as the plaintiff could not accept such a reduction in the price, the defendant refused to have meals in the boarding-house, demanding, however, his continuation there without board, a fact which constitutes a breach of contract; that the defendant, against whom the plaintiff complained, for that reason, to the Portuguese Authorities, declared in the Consulate General for Portugal that he would only occupy the rooms until 31st May, for the price of \$700.- per mensem, undertaking to leave the boarding-house on that date; that in spite of that undertaking the defendant did not leave the boarding-house on the 31st May, demanding his continuation there until the 31st August, on which date he would definitely leave, which, however, he did not do; that the defendant, against the will of the plaintiff transformed the bathroom into a kitchen, this fact constituting another breach of contract; that it happens, furthermore, that the defendant is living with a woman who is not his legal wife, a fact, which besides being immoral, is highly prejudicial to the respectability of both the plaintiff and her boarding-house; that, finally, the defendant has a restless and violent temperament, having recently assaulted two persons who live in the boarding-house referred to. The plaintiff ends her pleadings by stating that the action follows the course of law, and by asking that the defendant be ejected and be made to pay the costs and attorney's fees. Personally summoned under the penalty of law, as shown by the records of these proceedings, the defendant did not contest the action within the legal period of time. There are no nullities to take notice of, and the parties are legitimate. WHEREFORE, in view of the above and taking into consideration the provisions of

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CONSULADO GERAL DE
PORTUGAL
788 Rue Bourgeat
SHANGHAI.

TO WHOM IT MAY CONCERN:

Jose Francisco Teixeira, Acting Consul General for Portugal at Shanghai, certifies:-

1. That Mr. Antonio Maria da Motta, 60 years of age, married, born in Macao and son of Jose Victorino da Motta and of Almira Marques da Motta, is a Portuguese citizen, duly registered with this Consulate General under No.1061, Book No.5;
2. That the said Mr. Motta informed this Consulate General by letter dated 30th. November last, that he had vacated the two rooms and bath room in his occupation at Great Western Road No.43A, thus fulfilling the ruling of the Portuguese Consular Court;
3. That in May last, this Consulate General came to know that Mr. Motta was living in Astrid Apartments, No.376, Route Vallon, Apartment No.6, the residence of his son-in-law, a French citizen, where the Portuguese Consular Court served on him an order, and where he was examined by a doctor appointed by the said Court;
4. That, by letter dated 5th. July last, the Consulate General for France informed this Consulate General that Mr. Motta, since a few days previously, had left the above referred to apartment in Route Vallon;
5. That this Consulate General is not aware at present of the whereabouts of Mr. Motta, but knows for certain that he is not living at No.43A Great Western Road;
6. That Mr. Motta's wife, Mrs. Lucia Flisiak Motta, does not reside at No.43A Great Western Road.

CONSULATE GENERAL FOR PORTUGAL IN SHANGHAI.

AUGUST 11, 1944.

(SIGNED) _____

Jose Francisco Teixeira.

Acting Consul General for
Portugal.

(CONSULATE'S SEAL ATTACHED).